

**GENERAL NPDES PERMIT
FOR**

**CLASS II
CONCENTRATED
ANIMAL FEEDING OPERATION**

PERMIT NO. TNA000000

This general permit is implemented under the authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.), Chapter 1200-4-5-.14 and the authorization by the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 ([33 U.S.C. 1251](#), et seq.) and the [Water Quality Act of 1987, P.L. 100-4](#).

General NPDES permit TNA000000 authorizes the operation of a class II concentrated animal feeding operation (CAFO) in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit is issued on: **August 6, 2004**

This permit is effective on: **August 7, 2004**

This permit expires on: **August 5, 2009**

Paul E. Davis, Director
Division of Water Pollution Control

GENERAL NPDES PERMIT FOR CLASS II CONCENTRATED ANIMAL FEEDING OPERATION

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Introduction --

The following document is a State of Tennessee general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the operation of a concentrated animal feeding operation (CAFO). The general permit imposes restrictions on how the CAFO will operate in respect to protecting waters of the state.

This permit is a state-issued NPDES general permit, with a permit number of TNA000000. Facilities covered under this permit will be assigned permit tracking numbers in the sequence TNA000001, TNA000002, etc. A general permit is one designed to apply to a category of sources that involve the same or substantially similar operations, discharge the same types of wastes, and require the same or similar permit conditions and monitoring provisions.

In order to get information regarding the Division of Water Pollution's permitting programs, you can visit our web site located at: <http://www.state.tn.us/environment/permits/>. Information regarding the CAFO program is located at <http://www.state.tn.us/environment/permits/cafo.php>. At this web site, you will find the general permit, the rationale sheet, the Notice of Determination; and other information, including links to other relevant web sites.

You can contact us by sending an [E-mail](#) by selecting "Water Pollution Control" from the pull-down menu from <http://www.state.tn.us/cgi-bin/env/comments.pl>. If you do not have access to the web, or have other questions, contact us at 1-888-891-8332 (TDEC).

Obtaining coverage under this general permit --

To obtain coverage under this permit, an applicant must submit a Notice of Intent (NOI) along with a closure/rehabilitation plan for the waste system storage structure(s), and either a comprehensive or a site-specific nutrient management plan to the Tennessee Department of Agriculture (TDA). Appendix A of this permit is the NOI. Following review by the TDA, the NOI will be forwarded to the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control (WPC).

Fees --

The fees shall be as specified in the Rules of Tennessee Department of Environment and Conservation, Division of Water Pollution Control, Water Quality Control Board, [Chapter 1200-4-11 – Environmental Protection Fund Fees](#). This general permit has no fees.

I. COVERAGE UNDER THIS GENERAL PERMIT

This general permit applies to concentrated animal feeding operations (CAFOs) that meet the criteria of 1200-4-5.14(3) of the Rules of the Tennessee Department of Environment and Conservation.

A CAFO that does not land apply manure, litter or process wastewater may request that it be determined to have no potential to discharge manure, litter or process wastewater to waters of the state. In requesting a determination of “no potential to discharge,” the CAFO owner or operator must submit the following information to support the request:

- (a) The name of the owner and/or operator;
- (b) The facility location and mailing addresses;
- (c) Latitude and longitude of the entrance to production area;
- (d) A topographic map showing the specific location of the production area;
- (e) The number and type of animals;
- (f) Whether animals are in open confinement or housed under roof;
- (g) Data that shows that the type of containment and storage of manure (anaerobic lagoon, roofed storage shed, storage ponds, under-floor pits, above ground storage tanks, below ground storage tanks, concrete pads, impervious soil pads, etc.) is adequate to contain the manure considering climate, crop active growing periods, fertilizer timing recommendations (from University of Tennessee Agricultural Extension Service) and soil trafficability;
- (h) The total capacity for manure, litter, and process wastewater storage (expressed in tons or gallons);
- (i) The total number of acres under control of the applicant available for land application of manure, litter, or process wastewater, if any, and certification that the land will not be used for disposal of manure, litter or process wastewater;
- (j) Estimated amounts of manure, litter, and process wastewater generated per year (expressed in tons or gallons);
- (k) Estimated amounts of manure, litter and process wastewater transferred to other persons per year (tons/gallons);
- (l) For operations that transfer 100 tons or more of manure, litter and process wastewater per year to a 3rd party for disposal, documentation that the following has been done:
 - 1. most recent manure nutrient analysis was provided to the 3rd party,
 - 2. the 3rd party has signed the Agreement for the Removal of Litter, Manure and/or Process Wastewater from an AFO form (Appendix B),
 - 3. the date, recipient’s name and address, and approximate amount of manure removed has been recorded on the form given in Appendix B; and
- (m) Any other information requested by the director.

Upon receipt of a request for a determination of “no potential to discharge,” the division will issue a “notice of no potential to discharge” in accordance with the public notice procedures of 1200-4-5-.06 stating that such request has been received. The director must notify any CAFO seeking a “no potential to discharge” determination of the final determination within 90 days of receiving the request.

II. AUTHORIZATION UNDER THIS PERMIT

All wastewater discharges from a CAFO to waters of the state of Tennessee are prohibited, except when either chronic or catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain:

1. All process wastewater resulting from the operation of the CAFO (such as wash water, parlor water, watering system overflow, etc.); plus,
2. All runoff from a 25-year, 24-hour rainfall event for the existing CAFO or new dairy or cattle CAFOs; or all runoff from a 100-year, 24-hour rainfall event for a new swine or poultry CAFO.

If for any reason, there is a discharge to waters of the state, the permittee shall make immediate (within 24 hours) oral notification to the division, and notify the division in writing within 5 working days of the discharge from the facility. In addition, the permittee shall keep a copy of the notification submitted to the division together with the Nutrient Management Plan. The notification shall include the following information:

1. Description of the discharge: a description and cause of the discharge, including a description of the flow path to the receiving water body. Also, an estimation of the flow and volume discharged.
2. Time of the discharge: the period of discharge, including exact dates and times, and the anticipated time the discharge is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the discharge.
3. Cause of the discharge: if caused by a precipitation event(s), information from the onsite rain gauge concerning the size of the precipitation event must be provided.

In the event of any overflow or other discharge to waters of the state from a manure storage structure, the following actions shall be taken.

1. Analysis of the discharge: all discharges shall be sampled within thirty minutes of the start of the discharge and analyzed. Samples must, at a minimum, be analyzed for the following parameters:

	EFFLUENT LIMITATIONS	MONITORING REQUIREMENTS	
EFFLUENT CHARACTERISTIC	DAILY MAXIMUM CONCENTRATION (mg/L)	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW	Report (MGD) *	1/Discharge	Estimate
pH**	Report Minimum and Maximum	1/Discharge	Grab
BOD5	Report	1/Discharge	Grab
TOTAL SUSPENDED SOLIDS (TSS)	Report	1/Discharge	Grab
NITROGEN, TOTAL	Report	1/Discharge	Grab
NITROGEN, AMMONIA TOTAL	Report	1/Discharge	Grab
TOTAL KJELDAHL NITROGEN	Report	1/Discharge	Grab
NITRATE NITROGEN	Report	1/Discharge	Grab
PHOSPHORUS, TOTAL	Report	1/Discharge	Grab
PHOSPHORUS, DISSOLVED	Report	1/Discharge	Grab
COPPER, TOTAL	Report	1/Discharge	Grab
E. Coli	Report	1/Discharge	Grab
ZINC, TOTAL	Report	1/Discharge	Grab
FECAL COLIFORM	Report	1/Discharge	Grab
TEMPERATURE, Effluent	Report Effluent Temperature	1/Discharge	Grab

* Flow shall be reported in Million Gallons per Day (MGD).

** pH analysis shall be performed within fifteen (15) minutes of sample collection.

2. Volume of the discharge: an estimate of the volume of the release and the date and time.
3. Sampling procedures: samples shall consist of grab samples collected from the over-flow or discharges from the retention structure. A minimum of one sample shall be collected from the initial discharge within 30 minutes. Samples collected for the purpose of monitoring shall be representative of the monitored discharge. The operator must report the discharge to the EAC within 24 hours of the discharge. Monitoring results must be submitted to TDEC on Discharge Monitoring Report forms by the 15th of the month following the discharge.
4. Reasons for not sampling: if conditions are not safe for sampling, the permittee must provide documentation of why samples could not be collected. However, once the unsafe conditions have passed, the permittee shall collect a sample from the retention structure (pond or lagoon) within 30 minutes.

III. NOTICE OF INTENT (NOI) REQUIREMENTS

You must submit the information required in Section C below if the AFO lies within the range given in Table 1 (below) and you meet any of the following conditions:

- (1) Pollutants are discharged through a discrete, discernible conveyance to waters of the state; or
- (2) Pollutants in direct contact with confined animals are discharged to waters of the state; or
- (3) The AFO is located on a waterbody that has been identified by the division as being impaired for nutrients or pathogens; or
- (4) The AFO began operation on or after May 1, 1999; or the AFO expanded its operation on or after July 21, 2004.

Table 1

Animal Type	Class II (Medium CAFO) [number of animals]
Dairy Cows	200 – 699
Cattle	300 – 999
Swine	750 – 2,499 (\geq 55 lbs) 3,000 – 9,999 (\leq 55 lbs)
Chickens (liquid manure)	9,000 – 29,999
Chickens (dry manure)	37,500 – 124,999 (non-layers) 25,000 – 81,999 (layers)

A. Deadlines for NOI Submittal

1. Existing Site

a. Newly Regulated

Existing operations defined as a Class II CAFO as of the promulgation of Rule 1200-4-5 (July 21, 2004) must seek coverage under an NPDES permit or request a determination of “no potential to discharge” no later than February 13, 2006.

b. Currently Permitted

An operator of an existing site presently permitted under a general permit shall submit an NOI in accordance with the requirements of this part not more than 30 days following the effective date (August 7, 2004) of this permit. For an existing site presently permitted under an individual NPDES permit, an NOI shall be submitted 180 days before the individual permit expires.

2. New Site

An operator of a new source must seek to obtain coverage under an individual NPDES permit or request a determination of “no potential to discharge” at least 180 days prior to the time that the

CAFO commences operation. CAFOs seeking coverage under a general NPDES permit must do so in accordance with the NOI timeframes established for the general permit, and must submit an NOI in accordance with the requirements of this part at least 180 days before the commencement of operation.

3. Changes

AFOs that make changes after April 14, 2003, to their operations that result in becoming defined as CAFOs for the first time, yet are not subject to new source performance standards, must seek coverage under an NPDES permit or request a determination of “no potential to discharge” no later than 90 days after becoming defined as a CAFO; unless the same change would not have resulted in the AFO being defined as a CAFO prior to April 14, 2003. In that case, the deadline for seeking NPDES permit coverage or a determination of “no potential to discharge” is April 13, 2006, or 90 days after becoming defined as a CAFO, whichever is later.

4. Transfers

Where the operator of a site that is covered by this permit changes, the new operator of the site must submit an NOI in accordance with the requirements of this part at least 5 days prior to the change. Within five days of the time of sale or transfer of ownership, the new owner must send a completed NOI to the Nashville office of Division of Water Pollution Control.

B. Signatory Requirements for the NOI

All Notices of Intent (NOI), requests for termination of general permit coverage, reports and/or any other information either submitted to the division, or to TDA shall be signed and dated.

1. Signature

All information required or requested to be submitted by the division or TDA shall be signed as follows:

- (a) For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (b) For a partnership or sole proprietorship: by the general partner or the proprietor; or
- (c) A duly authorized representative. For the purpose of this section, a duly authorized representative is the person identified in writing to the division or TDA who has been given the authority to sign for the person described in 1 (a) or (b) above.

2. Changes to Authorization

If an authorization under Paragraph B.1 above is no longer accurate because a different individual or position has responsibility for the overall operation of the site, a new authorization satisfying the requirements of Paragraph B.1. must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

3. Certification

Any person signing a NOI shall make the following certification:

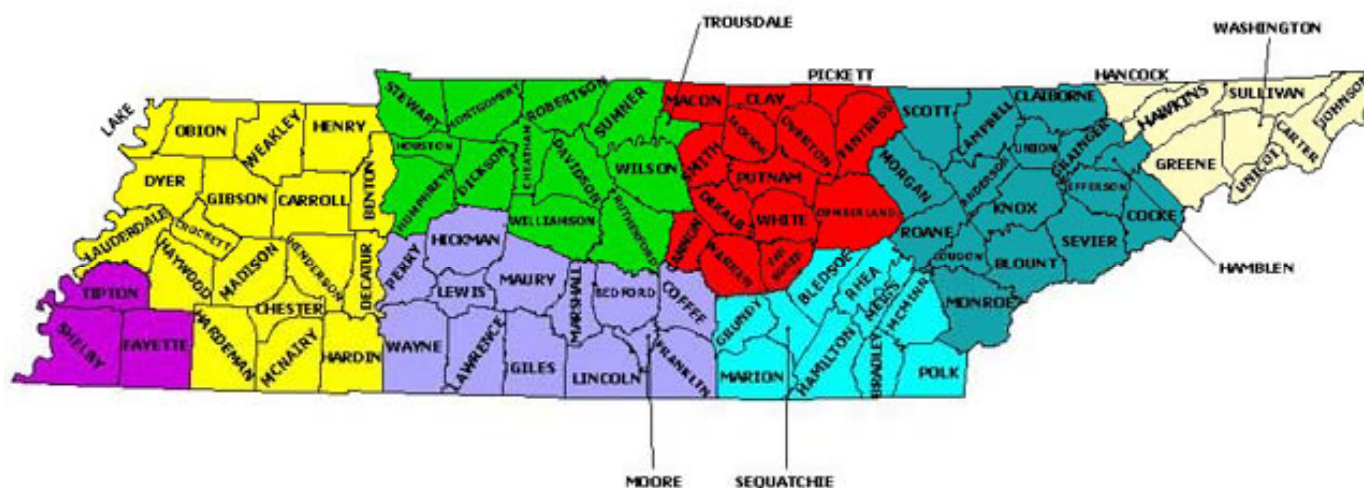
“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

C. Content of the NOI

To obtain coverage under this permit, an applicant must submit a Notice of Intent (NOI) along with a closure/rehabilitation plan for the waste system storage structure(s) and a site-specific nutrient management plan to the Tennessee Department of Agriculture (TDA). Following review by the TDA, the NOI will be forwarded to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control. The Notice of Coverage (NOC) under this general permit will be issued after the division receives a complete and accurate NOI, and shall specify the effective dates of coverage under the permit. Review and approval of all nutrient management plans and waste disposal system plans under this general permit will be performed by the Tennessee Department of Agriculture. A copy of the NOI to operate a CAFO can be obtained from Appendix A of this permit, or from any Environmental Assistance Center.

List and Map of the Division's Environmental Assistance Centers (EACs) and Corresponding Counties

EAC Name	List of Counties
Chattanooga	Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie
Columbia	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
Cookeville	Cannon, Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren, White
Jackson	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley
Johnson City	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
Knoxville	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
Memphis	Fayette, Shelby, Tipton
Nashville	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, Wilson



List of the Division's EACs with Addresses and Phone Numbers

<u>EAC NAME</u>	Address	City	Zip	Phone Number
<u>Chattanooga</u>	540 McCallie Avenue, Suite 550	Chattanooga	37402-2013	(423) 634-5745
<u>Columbia</u>	2484 Park Plus Drive	Columbia	38401-5300	(931) 380-3371
<u>Cookeville</u>	1221 South Willow Avenue	Cookeville	38506-5300	(931) 432-4015
<u>Jackson</u>	362 Carriage House Drive	Jackson	38305-2222	(731) 512-1300
<u>Johnson City</u>	2305 Silverdale Road	Johnson City	37601-2162	(423) 854-5400
<u>Knoxville</u>	2700 Middlebrook Pike, Suite 220	Knoxville	37921-5300	(865) 594-6035
<u>Memphis</u>	2510 Mt. Moriah Road, Suite E-645	Memphis	38115-1520	(901) 368-7939
<u>Nashville</u>	711 R.S. Gass Boulevard	Nashville	37243-1550	(615) 687-7000
<u>Nashville Central Office</u>	6 th Floor, L&C Annex 401 Church Street	Nashville	37243-1534	(615) 532-0625

All Environmental Assistance Centers (EACs) may be reached by telephone at the toll-free number 1-888-891-TDEC (8332).

The following information must be included in an NOI:

1. The legal and official name of the permittee, address or description of location of the site, name of county in which the site is located, site latitude and longitude;
2. The name of the person, firm, organization, or other entity which owns and/or operates the subject site. The name, title or position, mailing address and E-mail of an official contact person, as well as the site contact person (i.e. local contact, if applicable) and mailing address where correspondence should be sent;
3. A copy of the USGS topographical map, a city map, or a county map, identifying the location of the site and the surface waters; the site map must show boundaries of the operation and extending at least a one mile radius beyond the site of the property.

4. Along with the NOI, the applicant must submit at the time of the application:
- (a) A closure/rehabilitation plan for the waste system storage structure(s) that meets or exceeds Natural Resource Conservation Service (NRCS) technical standards and guidelines addressing maintenance of the facility until proper closure is completed;
 - (b) A proposed schedule for closure not to exceed 360 days;
 - (c) Site-specific nutrient management plan as outlined in 1200-4-5-.14(15); and
 - (d) Any additional information the division may require subsequent to the initial NOI review.

D. Where to Submit

NOIs shall be submitted using the form (or a copy thereof) provided in Appendix A of this permit. NOIs are to be submitted to the Tennessee Department of Agriculture at the following address:

**CAFO Notice of Intent
Tennessee Department of Agriculture
Ellington Agriculture Center
Nashville, TN 37204**

E. Alternatives

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the web) of other NOI form options that become available at a later date (e.g., electronic submission of forms), operators may take advantage of those options to satisfy the NOI notification requirements.

F. Administrative Procedure for Obtaining Notice of Coverage (NOC)

Following review and approval of the nutrient management plan by TDA, the division will review each Notice of Intent (NOI) for completeness and accuracy.

Within 30 days of receipt of a complete and accurate NOI, the division will transmit to the permittee a notice of coverage (NOC) under this permit, which shall specify the effective date of coverage under the permit. The term of coverage shall not end later than the expiration date of this general permit. If the division has not been able to transmit an NOC to a permittee within 30 days of receipt of the NOI, permittees are authorized to operate under this permit if the NOI has been assigned a valid NPDES general permit tracking number and the permittee has been informed of this tracking number.

If the division determines the submitted NOI to be incomplete, or denies an applicant coverage under this general permit, the division shall notify the applicant of this determination.

IV. STANDARD PERMIT CONDITIONS

A. Nutrient Management Plan

1. All permittees covered under this permit must develop, submit for state approval, implement and keep on site a site-specific nutrient management plan that:
 - a. Includes best management practices and procedures necessary to implement applicable effluent limitations and standards,
 - b. Ensures adequate storage of manure, litter, and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities,
 - c. Ensures proper management of mortalities (*i.e.*, dead animals) so that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities as outlined in NRCS Conservation Practice Standard 316, October 2002 (or the most recent edition) and/or the NRCS Animal Waste Handbook,
 - d. Ensures that clean water is diverted, as appropriate, from the production area,
 - e. Prevents direct contact of confined animals with waters of the state,
 - f. Ensures that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants,
 - g. Identifies appropriate site specific conservation practices to be implemented, including, as appropriate, buffers or equivalent practices to control runoff of pollutants to waters of the state (these practices must meet minimum standards set in the NRCS Field Office Practice Standard and/or the NRCS Animal Waste Handbook),
 - h. Identifies protocols for appropriate testing of manure, litter, process wastewater, and soil that are approved by the University of Tennessee testing lab for Tennessee conditions,
 - i. Establishes protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater (dairy, cattle, swine, poultry and veal CAFOs that land apply manure, litter, or process wastewater must also comply with the provisions of 1200-4-5-.14(16)),
 - j. Identifies specific records that will be maintained to document the implementation and management of the minimum elements described in items a through i above, and
 - k. Incorporates the requirements of 1200-4-5-.14(16)(a).
2. All CAFOs covered by this permit prior to December 31, 2006, must have their nutrient management plans developed, approved and implemented by December 31, 2006.
3. CAFOs that seek NPDES permit coverage after December 31, 2006, must have a nutrient management plan developed, approved and implemented in accordance with the Rule 1200-4-5-.14(14).

B. Special Conditions

All dairy, cattle, swine, poultry and veal CAFOs covered by this permit must land apply manure, litter and other process wastewater in accordance with the following best management practices (BMPs):

1. Application rates for manure, litter, and other process wastewater applied to land under the ownership or operational control of the CAFO must minimize phosphorus and nitrogen transport from the application field to surface waters in compliance with technical standards for nutrient management that:
 - a. Include a field-specific assessment of the potential for nitrogen and phosphorus transport from the field to surface waters, and address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters, that employs the Tennessee Phosphorus Index (a tool developed by the University of Tennessee Extension Service and the NRCS to assess the risk of phosphorus movement from the application area to waters of the state), and
 - b. Include appropriate flexibilities for any CAFO to implement nutrient management practices to comply with the technical standards, including consideration of multi-year phosphorus application on fields that do not have a high potential for phosphorus runoff to surface water, phased implementation of phosphorus-based nutrient management, and other components, as determined appropriate by the director;
2. Annual manure analysis for nitrogen and phosphorus content, using procedures outlined in NRCS Conservation Practice Standard 590, and
3. Soil analysis at a minimum of once every five years for nitrogen and phosphorus,
4. Periodic inspection of equipment used for land application of manure, litter and other process wastewater,
5. Application of manure, litter, and process wastewater that:
 - a. is applied no closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, well heads, or other conduits to surface waters unless,
 - (1) The CAFO substitutes the 100-foot setback with a 35-foot wide vegetated buffer where applications of manure, litter, or process wastewater are prohibited, or

- (2) The CAFO demonstrates that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback,
- b. is applied in accordance with setbacks established in NRCS Conservation Practice Standard 590 for any potable well, public or private.
6. For new CAFOs that are located adjacent to high quality streams (as identified by the department), leave in place a minimum 60-foot natural riparian buffer between the stream and the land application area.

C. Requirements for Liquid Waste Systems

No CAFO liquid waste management system shall be constructed, modified, repaired, or placed into operation after April 13, 2006, unless it is designed, constructed, operated, and maintained in accordance with final design plans and specifications which meet or exceed standards in the NRCS Field Office Technical Guide and other guidelines as accepted by the Departments of Environment and Conservation, or Agriculture. Specifically, plans must contain the following:

1. Any new or additional confinement buildings, waste/wastewater handling system, waste/wastewater transport structures, waste/wastewater treatment structures, settling basins, lagoons, holding ponds, sumps, or pits, and other agricultural waste containment/treatment structures constructed after April 13, 2006, shall be located in accordance with NRCS Conservation Practice Standard 313.
2. A subsurface investigation for earthen holding pond, pit, sump, treatment lagoon, or other earthen storage/containment structure suitability and liner requirements shall be a component of the system design. The subsurface investigation will include a detailed soils investigation with special attention to the water table depth and seepage potential. The investigation must evaluate soils to a depth of two feet below the planned bottom grade of the storage structure. Deeper investigations may be required in karst regions. A soils/geologic investigation shall be performed by a soil scientist and qualified geologist. A qualified geologist is defined as an individual who is a Registered Professional Geologist licensed by the State of Tennessee or an individual who meets the requirements for the title of Certified Professional Geologist, as defined by the American Institute of Professional Geologists. Unless relevant information is available to the contrary, compliance with this provision during design and construction of the facility will normally demonstrate that the hydrologic connection does not exceed a maximum allowable specific discharge of 0.0028 ft/day (1×10^{-6} cm/sec).

D. Transferring Manure, Litter or Process Waste to a Third Party

The operator of the CAFO, prior to transferring more than 100 tons of manure, litter or process waste to a 3rd party, must provide the recipient of the manure, litter or process waste with the most current nutrient analysis consistent with 40 CFR § 412, and ensure that the 3rd party signs

the Agreement for the Removal of Litter, Manure and/or Process Waste from a AFO form (Appendix B). You should maintain transfer records according to Section L below.

E. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and/or the Tennessee Water Quality Control Act (TWQCA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

F. Continuation of the Expired General Permit

This permit expires on August 5, 2009. The permittees may maintain coverage under the expired general permit (until a new general permit is issued) by re-submitting the completed NOI prior to the expiration date of this general permit. Permittees who choose, or are required, to obtain an individual permit must submit an application (Forms [1](#) and [2E](#) and any other [applicable forms](#)) 180 days prior to expiration of this general permit. Permittees who are eligible and choose to be covered by a new general permit must submit an NOI by the date specified in that permit

G. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

H. Duty to Provide Information

The permittee shall furnish to the division, within a time specified by the division, any information that the division may request to determine compliance with this permit. The permittee shall also furnish to the division upon request, copies of records required to be kept by this permit.

I. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the division, he or she shall promptly submit such facts or information.

J. Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action

1. Division of Water Pollution Control Designation

If the division has notified the owner or operator in writing before or after the filing of a Notice of Intent (NOI) that the site's discharges will cause or contribute to a violation of water quality

standard or that coverage under this general permit is subject to being modified or revoked for any grounds under [T.C.A. § 69-3-108\(f\)](#), the discharger has the following options :

- a. Provide a demonstration to the division within 60 days of the notification that the discharge does not cause or contribute to a violation of water quality standard;
- b. Modify treatment methods and control measures at the site to address the state's concerns within 120 days of the notification; or
- c. Apply for coverage under other general permit (if available) or file an individual permit application within 180 days of the notification. Individual permit applications shall be submitted to the division's Environmental Assistance Center responsible for the county where the site is located.

The permittee does not lose coverage under the general permit while exercising the above options. Although a permittee may exercise more than one of these three options, if the division does not approve the actions taken under (a) or (b), the permittee must comply with (c) within the stated time or an extension thereof granted by the division. If the owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the division, the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

Any interested person may petition the division to take action under this paragraph.

2. Individual Permit Application

Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Forms [1](#) and [2E](#) and any other [applicable forms](#)) with reasons supporting the request to the division. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

3. Individual/Alternative General Permit Issuance

When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the division.

K. State/Environmental Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Tennessee law or regulation under authority preserved by [Section 510 of the Clean Water Act](#). No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

L. Records and Annual Report

1. Retention of Records

The following records shall be retained and available for inspection, upon request by the commissioner, an agent of the division or the EPA, for five years:

- a. A copy of the CAFO's site-specific nutrient management plan;
- b. Documentation regarding the following visual inspections:
 1. Weekly inspections of all storm water diversion devices, runoff diversion structures and devices channeling contaminated storm water to the wastewater and manure storage and containment structure,
 2. Daily inspections of water lines, including drinking or cooling water lines, and
 3. Weekly inspections of the manure, litter, and process wastewater impoundments noting the liquid level in the impoundments;
- c. Weekly records of the depth of the manure and process wastewater in the liquid impoundment as indicated by the required depth marker which indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event or in the case of new sources indicate the runoff and direct precipitation from a 100-year, 24-hour rainfall event;
- d. Corrective actions taken (if deficiencies are not corrected within 30 days of notice of deficiency, the records must include an explanation of the factors preventing immediate correction);
- e. Mortalities management and practices used to comply with the nutrient management plan;
- f. Records documenting the current design of any manure or litter storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity;
- g. Records of the date, time, and estimated volume of any overflow;
- h. Expected and actual crop yields were land application was used;
- i. Date(s) manure, litter, or process waste water is applied to each field;
- j. Weather conditions at time of application and for 24 hours prior to and following application;
- k. Test methods used to sample and analyze manure, litter, process waste water, and soil;
- l. Results from manure, litter, process waste water, and soil sampling;

- m. Explanation of the basis for determining manure application rates, as provided in the technical standards established by the NRCS or as otherwise approved by the director or the Tennessee Department of Agriculture;
- n. Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater;
- o. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
- p. The method used to apply the manure, litter, or process wastewater; date(s) of manure application equipment inspection and calibration; and
- q. The date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to a 3rd party (see the form in Appendix B).

2. Annual report

Permittees must submit to TDEC and TDA, at the addresses below, an annual report. The report should be submitted between January 1 and February 15 of each year of coverage, and it should include, at a minimum:

- a. The number and type of animals on site whether in open confinement or housed under roof;
- b. Estimated amount of total manure, litter and process wastewater generated by the CAFO in the previous calendar year (expressed in tons or gallons);
- c. Estimated amount of total manure, litter and process wastewater transferred to a 3rd party by the CAFO in the previous calendar year (expressed in tons or gallons);
- d. Total number of acres for land application covered by the nutrient management plan;
- e. Total number of acres under control of the CAFO that were used for land application of manure, litter and process wastewater in the previous calendar year;
- f. A summary of all manure, litter and process wastewater discharges to waters of the state from the production area that have occurred in the previous calendar year, including date, time, and approximate volume; and
- g. A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner.

CAFO Annual Report
Tennessee Department of Environment and Conservation
Division of Water Pollution Control
6th Floor L&C Annex, 401 Church Street
Nashville, TN 37243-1534

CAFO Annual Report
Tennessee Department of Agriculture
Ellington Agriculture Center
Nashville, TN 37204

M. Inspection and Entry

The permittee shall allow the division or an authorized representative of the division, the U.S. EPA or an authorized representative of the U.S. EPA upon the presentation of credentials and other documents as may be required by law, to: enter upon the permittee's premises where a regulated site or activity is located or conducted or where records must be kept under the conditions of this permit; have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

N. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

V. REOPENER CLAUSE

A. Potential or Realized Impacts on Water Quality

If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any effluent discharge covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Paragraph IV.J above: Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action or the permit may be modified to include different limitations and/or requirements.

B. Applicable Regulations

Permit modification or revocation will be conducted according to Rule 1200-4-5.

VI. TERMINATION OF COVERAGE

A. Notice of Termination

A CAFO covered under this general permit shall notify the division at the address listed in Section VI.B below, when the CAFO is no longer in operation. The division retains the right to deny termination of coverage under this general permit upon receipt of the necessary notice and information from the permittee. The written notice of termination shall include the following information:

1. Site Information: name, mailing address, and location of the site for which the notice is submitted;

2. Operator Information: the name, address, and telephone number of the operator addressed by the notice;
3. Permit Number: the NPDES permit tracking number for the site; and
4. Reason for Termination.

B. Where to Submit

All written notices of termination shall be submitted to:

**CAFO Notice of Termination
Tennessee Department of Environment and Conservation
Division of Water Pollution Control
6th Floor L&C Annex, 401 Church Street
Nashville, TN 37243-1534**

VII. DEFINITIONS

All terminology not specifically defined herein shall be defined in accordance with the Water Quality Control Act, Tennessee Code Annotated Sections 69-3-101 - 69-3-137.

- (1) An “animal feeding operation” (AFO) is a facility that (1) stables, confines and feeds or maintains animals (other than aquatic animals) for a total of 45 days or more in any 12-month period and (2) does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the facility. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.
- (2) An “AFO overflow” means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structure.
- (3) An “AFO production area” includes the animal confinement area (open lots, barns, houses), the manure storage area (i.e., lagoons, ponds, compost piles), the raw materials storage area (feed silos) and the waste containment areas that separate contaminated stormwater from uncontaminated stormwater.
- (4) "Animal waste management system" means any system used for the collection, storage, treatment, handling, transport, distribution, land application, or disposal of agricultural wastes, animal waste/wastewater, waste product, and dead animals generated by an AFO that meets or exceeds NRCS technical standards and guidelines.
- (5) “Best management practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs can also include treatment requirements,

- operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (6) A “calendar day” is defined as the 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight-to-midnight time period.
 - (7) A “closure plan” is a description of the steps taken, after a permittable activity has ceased, to prevent contamination of surface waters from the inactive site.
 - (8) A “comprehensive nutrient management plan (CNMP)” is a conservation plan that is unique to animal feeding operations. It is a grouping of conservation practices and management activities which, when implemented as part of a conservation system, will help to ensure that both production and natural resource protection goals are achieved. Guidance for developing a CNMP is located in USDA-NRCS’s National Planning Procedures Handbook.
 - (9) A “concentrated animal feeding operation” (CAFO) is an AFO that either meets the large (Class I) CAFO size criteria of 1200-4-5-.14(2), the medium (Class II) criteria of 1200-4-5-.14(3) or has otherwise been designated as a CAFO by the director.
 - (10) "Hydrologic connection" means the interflow and exchange between surface impoundments or containment structures and groundwater or surface water through a surface or underground corridor or pathway. In the context of this chapter, the purpose of prevention/reduction of hydrologic connection is to prevent/ reduce groundwater flow contact resulting in the transfer of pollutants into groundwater.
 - (11) “Impaired waters” means any segment of surface waters that has been identified by the division as failing to support classified uses. The Division periodically compiles a list of such waters. The Division will notify applicants and permittees if their discharge is into, or is affecting, impaired waters.
 - (12) “Land application area” means the land under the control of an AFO owner or operator to which manure, litter or process wastewater from the AFO production area is or may be applied.
 - (13) A “large CAFO” (Class I CAFO) is an AFO that confines greater than or equal to the number of animals specified in table 1200-4-5-.14.1.
 - (14) The term “manure” is defined to include manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.
 - (15) “Mature dairy cow” refers to a cow that has previously given birth to a calf.
 - (16) A “medium CAFO” (Class II CAFO) is an AFO that confines greater than or equal to the number of animals specified in table 1200-4-5-.14.1 and also meets the criteria of 1200-4-5-.14 (3).
 - (17) “Multi-year phosphorus application” means phosphorus applied to a field in excess of the crop needs for that year. Subsequent phosphorus application is prohibited until the applied phosphorus has been removed via harvest and/or crop removal.
 - (18) A “natural riparian buffer” is a permanent strip of natural vegetation adjacent to a stream that contains dense vegetation made up of grass, shrubs and trees. The purpose of a natural riparian buffer is to maintain existing water quality by minimizing the risk of any

potential nutrients or pollutants from leaving the field and reaching adjacent surface waters and to further prevent negative water quality impacts by providing canopy over adjacent waters.

- (19) “Owner or operator” means any person who owns, leases, operates, controls or supervises a source.
- (20) “Process wastewater” means water that comes in contact with a production process, its raw materials, products or byproducts. This includes spillage, wash-water, overflow from animal watering systems or contact-cooling water. In the case of AFOs, process water would include water that contacts manure, litter, feed, milk, eggs or bedding.
- (21) “Setback” means a specified distance from surface waters or potential conduits to surface waters where manure, litter, and process wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: open tile line intake structures, sinkholes, and wells.
- (22) “Vegetated buffer” means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.
- (23) “Waters” means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

NEXT PAGE (A-1): APPENDIX 1 – Notice of Intent (NOI)



Department of Environment and Conservation
Division of Water Pollution Control

NOTICE OF INTENT

General NPDES Permit for Class II Concentrated Animal Feeding Operations

Completing This Form: The operator shall submit the following information as a Notice of Intent (NOI). "Operator" means a person or corporation which proposes to operate or operates and/or profits from an animal feeding operation which has been designated by the Division as a concentrated animal feeding operation (CAFO), or an animal feeding operation which voluntarily requests to be designated as a CAFO, or a CAFO which stables or confines, and feeds or maintains the numbers of livestock in the following table. Circle the "Animal Type" and "Manure Management" which represents your operation.

<u>ANIMAL TYPE</u>	<u>LIQUID MANURE MANAGEMENT</u>	<u>DRY MANURE MANAGEMENT</u>
Poultry (broilers and/or layers)	9,000 up to 29,999	37,500-124,999(non-layers), 25,000-81,999 (layers)
Swine	750-2499 (greater than 55 lbs) or 3,000-9,999 (less than 55 lbs)	750-2499 (greater than 55 lbs) or 3,000-9,999 (less than 55 lbs)
Dairy	200-699	200-699
Beef	300-999	300-999

For new operations, the NOI must be submitted 30 days prior to beginning the feeding operation. Starting date for new operation is _____. For existing operations, the NOI must be submitted no later than February 13, 2006.

Do not write on the back of this form. It is reserved for agency use only. Each item on this page must be answered. If an item on the form does not apply to your particular operation, enter "NA" for not applicable into the space provided. If additional space is needed, attach a separate piece of paper to the NOI form.

- I. Attach two 1:24000 topographic maps showing 1 mile radius, and a site plan showing buildings and property line, identifying the location of the operation.

A) Name of operation (legal or official name):	Telephone: ()
B) Operation mailing address:	County:
C) Name of closest waters of the state to the operation:	
Latitude: _____	Longitude _____

- II. **A)** Provide the name and telephone number of the person most familiar with the operation and with the facts reported in the NOI. This person may be contacted by the division, if necessary. **B)** Give the complete mailing address where correspondence should be sent. This may or may not be the address of the operation.

A) Contact person:	Telephone: ()
B) Complete mailing address of contact person:	

III. Certification and Signature. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the site, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

_____ Typed or Printed Name of OPERATOR	_____ Signature of OPERATOR	_____ Date
_____ Typed or Printed Name of PREPARER	_____ Signature of PREPARER	_____ Date

- IV. Submit this form to: CAFO Notice of Intent
Tennessee Department of Agriculture
Ellington Agricultural Center
Nashville, TN 37204

**TENNESSEE DEPARTMENT OF AGRICULTURE USE ONLY
(DO NOT WRITE IN THIS SECTION)**

DATE NOI RECEIVED:



(date stamp here)

DATE NOI FORWARDED TO TDEC:



(date stamp here)

**WASTE HANDLING SYSTEM
APPROVAL DATE:**



(date stamp here)

**NUTRIENT MANAGEMENT PLAN
APPROVAL DATE:**



(date stamp here)

TDA REVIEWER'S NAME: _____
(print)

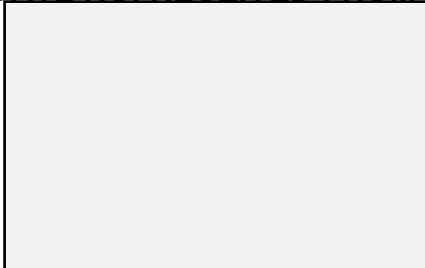


TDA REVIEWER'S SIGNATURE

Date

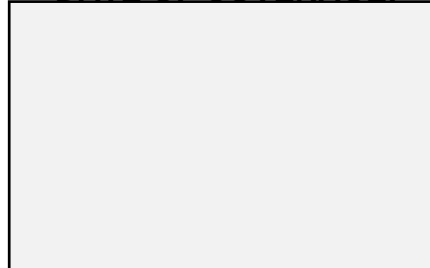
**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION USE ONLY
(DO NOT WRITE IN THIS SECTION)**

DATE NOI RECEIVED FROM TDA:



(date stamp here)

DATE OF COVERAGE:



(date stamp here)

TDEC REVIEWER'S NAME: _____
(print)



TDEC REVIEWER'S SIGNATURE

Date

Appendix B

Agreement for the Removal of Litter, Manure and/or Process Wastewater from an AFO

The conditions listed below help to protect water quality. These conditions apply to litter, manure and/or process wastewater removed from an AFO. The material covered by this agreement was removed on _____ from the facility _____ owned by _____ located at _____ .

- A. The litter, manure and/or process wastewater must be managed to ensure there is no discharge of litter, manure and/or process wastewater to surface or groundwater.
 - B. When removed from the facility, litter, manure and/or process wastewater should be applied directly to the field or stockpiled and covered with plastic or stored in a building.
 - C. Litter, manure and/or process wastewater must not be stockpiled near streams, sinkholes, wetlands or wells.
 - D. Fields receiving litter, manure and/or process wastewater should be soil tested at least every two or three years.
 - E. A litter, manure and/or process wastewater nutrient analysis should be used to determine application rates for various crops.
 - F. Calibrate spreading equipment and apply litter, manure and/or process wastewater uniformly.
 - G. Apply no more nitrogen or phosphorus than can be used by the crop.
 - H. A buffer zone is recommended between the application sites and adjacent streams, lakes, ponds, sinkholes, springs and wells.
 - I. Do not apply litter, manure and/or process wastewater when the ground is frozen or on steep slopes subject to flooding, erosion, during rain events, or onto saturated soil, or rapid runoff.
 - J. Cover vehicles hauling litter, manure and/or process wastewater on public roads.
 - K. Keep records of locations where poultry litter will be used as a fertilizer.
- I, _____ am the person receiving the litter and do understand the above conditions.
(Name)

1200-4-5
Appendix C

**Names of Persons and/or Firms That Remove Litter, Manure and/or Process Wastewater from an
CAFO**

(Name of CAFO)	
Name: _____ Address: _____ _____ Phone No.: _____ Tons Removed: _____ Date: _____	Name: _____ Address: _____ _____ Phone No.: _____ Tons Removed: _____ Date: _____
Name: _____ Address: _____ _____ Phone No.: _____ Tons Removed: _____ Date: _____	Name: _____ Address: _____ _____ Phone No.: _____ Tons Removed: _____ Date: _____
Name: _____ Address: _____ _____ Phone No.: _____ Tons Removed: _____ Date: _____	Name: _____ Address: _____ _____ Phone No.: _____ Tons Removed: _____ Date: _____
Name: _____ Address: _____ _____ Phone No.: _____ Tons Removed: _____ Date: _____	Name: _____ Address: _____ _____ Phone No.: _____ Tons Removed: _____ Date: _____